

Friends, enemies or "frienemies": development and civil society organisations relations with the state in a Democratic South Africa

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with the State in a Democratic South Africa**

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**Friends, Enemies or “Frienemies”:
Development and Civil Society Organisations Relations with the State in a Democratic South
Africa¹**

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Abstract

In 2004 the then president of South Africa Thabo Mbeki referred to a number of civil society organisations (more commonly known as non-profit organisations or NPOs) as “enemies of the ruling party” because they were publicly extremely critical of the ANC government’s neoliberal policies and development strategies (Mngxitama 2004). NPOs which work in collaboration with state agencies and act as conduits for delivering services were regarded as friends of the ruling party. This discourse has prevailed within the ANC until today. However, a third category of NPOs engages with the African National Congress (ANC) government. They sometimes characterise what Mbeki called enemies and at other times they behave as friends of the ANC government. One could call them “frienemies”.

In this paper the discussion of NPOs is situated in the context of civil society’s relations with the state in a democratic South Africa. I briefly discuss the recent history of NPOs relations with the state. I then consider why NPOs that engage with the state find it easier to be either friends or enemies with the ANC government and why the government has so few “frienemies” – despite its recognition that their dual role is valuable for development. I end the paper by briefly examining the Treatment Action Campaign and the Surplus People Project as examples of NPOs that have managed, successfully, to play the dual roles as “frienemies” of the ANC government. These examples illustrate ways in which some NPOs can manage to perform both roles, as well as the difficulties they experience in trying to balance these two roles. This paper is not suggesting that all NPOs ought to perform both roles, for that would deny the benefits that diversity among organs of civil society can bring, but it does draw attention to the advantages for development of some South African NPOs performing both these roles.

¹ This paper was presented in 2011 in the Faculty of Sociology’s Social Anthropology section at Bielefeld University. Sections of this paper are contained in a journal article by the author entitled “On the horns of a dilemma: Non-profit organizations relations with the state in post-apartheid South Africa, which was published in *Africanus*, Vol.40, No. 2, 2010.

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1. Introduction

In 2004 the then president of South Africa Thabo Mbeki referred to a number of civil society organisations (more commonly known as non-profit organisations or NPOs) as enemies of the ruling party because they were publicly extremely critical of the ANC government's neoliberal policies and development strategies (Mngxitama 2004). NPOs which work in partnership with state agencies and act as conduits for delivering services were regarded as friends of the ruling party. These organisations, mostly well-established NGOs received 85% of the government funds allocated to the non-profit sector (see Swilling and Russell 2002, 34-35). According to Habib (2005) NPOs are currently divided into two camps: those that play the role of social watchdog, and apolitical delivers of services. This discourse has prevailed within the ANC until today. However, NPOs relations with the state in a democratic South Africa are more complex. A third category of NPOs engages with the ANC government.

Working with Mbeki's discourse there are NPOs that sometimes characterise what he calls enemies and at other times they behave as friends of the ANC government. One could call them "frienemies".

This is more than an analytical category. As a matter of fact Dr Skweyiya, who was minister of Social Development until May 2009, stated early in the 2000s that the government expected NPOs to perform dual roles (Barnard and Terreblanch 2001, 17). The first is as a partner assisting the government with service delivery and the second is as a watchdog of the government's public policy priorities and practices.

Is the government's acknowledgement that NPOs need to perform both roles largely rhetoric? Can the ANC tolerate this ambiguity? A number of factors, in particular, the political environment, make it difficult for NPOs to be critical of the ANC government's public policy priorities and practices, and yet collaborate with the state. Will NPOs have to sacrifice their role as watchdog if they wish to participate in service delivery?

In this paper the discussion of NPOs is situated in the context of civil society's relations with the state in a democratic South Africa. I briefly discuss the history of NPOs relations with the state. I then consider why NPOs that engage with the state find it easier to be either friends or enemies with the ANC government and why it has so few "frienemies" – despite its recognition that their dual role is valuable for development. I end the paper by briefly

examining the Treatment Action Campaign and the Surplus People Project as examples of NPOs that have managed, successfully, to play the dual roles. These examples illustrate ways in which some NPOs can manage to perform both roles, as well as the difficulties they experience in trying to balance these two roles. This paper is not suggesting that all NPOs ought to perform both roles, for that would deny the benefits that diversity among organs of civil society can bring, but it does draw attention to the advantages for development of some South African NPOs performing both these roles.

2. Concepts: Non-profit organisation and civil society

According to Swilling and Russell (2002), an organisation qualifies as an NPO if it has the following characteristics:

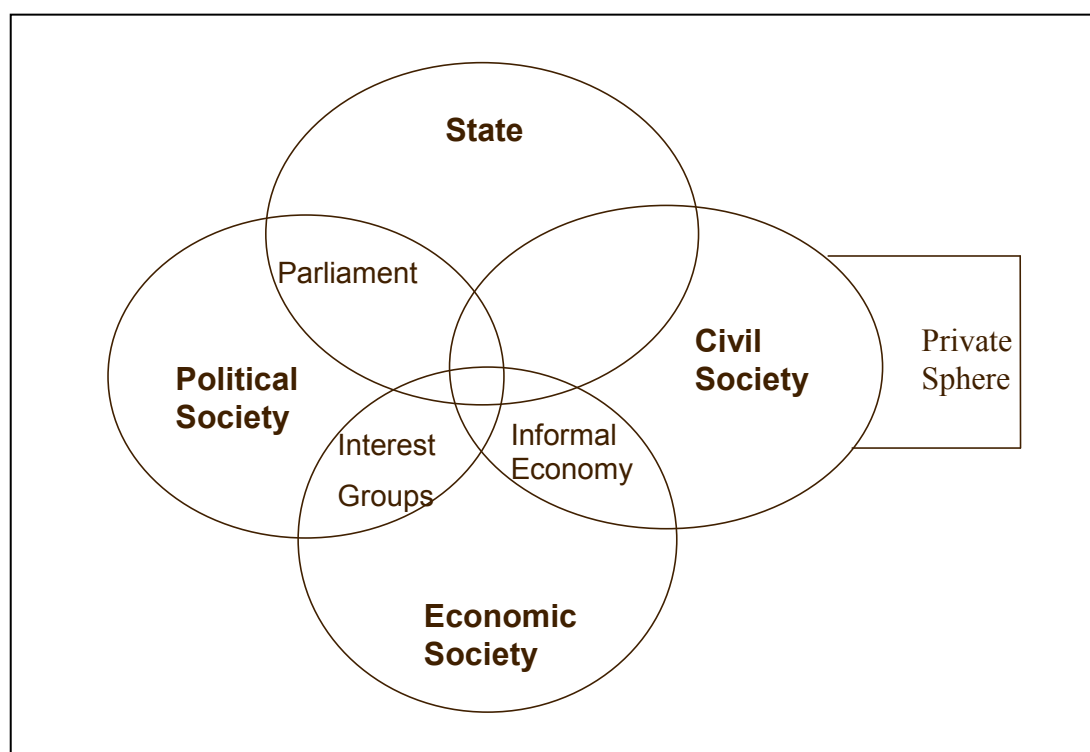
- i) **Organised:** It reflects the relative persistence of goals, structures and activities and excludes ad hoc groups.
- ii) **Private:** It excludes state structures and can receive financial support from government and contract with government.
- iii) **Self-governing:** It must control its own activities, (i.e. it is not controlled by outside parties like government or profit-making businesses.
- iv) **Voluntary:** It is a voluntary association with non-compulsory contributions and membership, and it must solicit the services of volunteers in its operational management.
- v) **Non-profit distributing:** Its primary purpose is not profit-making. Any profits are ploughed back into the organisation to further its mission, and are not shared among directors or owners.

NPOs are organs of civil society, but what is civil society? Often those who favour a strong civil society adopt an anti-statist perspective: the state and civil society are two distinct spheres. Atkinson (1996, 288) describes “anti-statism” as “disillusionment with parliamentary democracy, the welfare state, and the alienation engendered by vast government bureaucracies”. Although anti-statism may well describe the position of some civil society groups, it does not reflect post-1994 relations between the state and civil society in South Africa. I am looking for a definition that reflects the mixture of collegial and antagonistic relations between NPOs and the state.

A working definition, inspired by Italian Marxist, Antonio Gramsci, has proved useful. “Gramsci, unlike Marx, did not make a radical separation between the state and civil society” (Pillay 1996, 340). He recognised that the state plays a necessary role in developing civil

society, yet argued against the conflation of the two (ibid). This definition acknowledges the difficulty in setting hard and fast boundaries between the various spheres of society. Civil society can, therefore, be seen to constitute the area between the state apparatus and individuals or families. It includes elements of the economy, such as business associations, but the economic base of society constitutes a separate realm (ibid). It excludes the formal political society, which is made up of political parties in parliament, but includes social movements that lobby to change public policy. It constitutes a wide range of voluntary non-profit organisations, such as business associations, civics, community-based organisations (CBOs), social movements, non-governmental organisations (NGOs), and religious groups. The diagram in Fig.1 below shows how the different spheres of society overlap, which, in my view, better represents the relations between the various spheres of contemporary South African society than unmitigated anti-statism does. It also accommodates the diverse types of relationships between civil society and the state: some organs of civil society collaborate with the state, while others oppose it; some may collaborate at times, and oppose at others. The ambiguity is to be expected, but can it be tolerated in a new democratic South Africa?

Fig.1: Civil society and the democratic state (Pillay 1996, 341)



The roles of NPOs as organs of civil society and their relationship to the state in post-apartheid South Africa are subject to much current debate. In order to understand the debate I need briefly to locate the NPO-state relationships in an historical context.

3. NPOs' relations with the state from 1994

With the transition to democracy in 1994 a “freedom and consultation era” (1994-1996) in NPO-state relations was ushered in (Nauta 2004, 16). Progressive leaders entered legitimate politics for the first time, and one of the consequences was the setting up of working relations and collaboration between government departments and civil society. For the first time in the history of South Africa the government was viewed by civil society as the main driver of service delivery to poor communities. In the years 1994-1996 the ANC's Reconstruction and Development Programme (RDP) provided a framework for development and transformation. The RDP provided civil society with a place in redistributive growth and people-centred development (Swilling & Russell 2002, 4 & African National Congress 1994,131). During this period RDP Forums were established around the country. The RDP Forums brought government, NPOs and poor communities together in order to identify and address socio-economic problems. The political agenda of anti-apartheid orientated NPOs had been achieved with the end of the liberation struggle and the election of a democratic government. In a democratic South Africa NPOs were expected to trade-in their “culture of resistance” for a “culture of development” (Fitzgerald 1992, 22) in collaboration with the ANC-led government.

The ANC government encouraged foreign aid agencies to channel donor funds through the state. Consequently, a large percentage of international funding that previously had gone directly to NPOs was now channelled through the new government (Atkinson 1996, 295; Kraak 2001, 142). Harley and Rule (2003) and Swilling & Russell (2002, 59) confirm that foreign funding to NPOs decreased after 1994. (Although Swilling & Russell (ibid) and Kraak (2001, 135) indicate that by 1999 overseas development aid directly to NPOs was once again on the increase). Kraak (ibid, 137) notes:

Donor priorities have changed and the patterns of funding may have shifted, to the disadvantage of some categories of NPOs. In particular Northern donors have sought to relocate resources to projects involved in the technical delivery of social services at the expense of research, project facilitation, human rights and lobbying and advocacy. There has also been a trend by donors and government agencies across the board to cut down on administration costs by making larger grants to a smaller number of organisations, and by entering into multi-year rather than annual funding contracts. This will inevitably have favoured larger, urban, more sophisticated NGOs to the detriment of smaller (quite often, innovative) projects.

For NPOs to survive such changes and new development demands they needed to transform the way they operated radically, learn new skills and manage their resources differently.

Some of the NPOs that previously had an adversarial relationship with the state, struggled to reinterpret their role in post-apartheid South Africa (Atkinson 1996, 295). “Such organisations have been unprepared to enter a sustained, participatory relationship with government authorities” (ibid). Many NPOs were unable to adapt and as result were unable to attract sufficient funding. Experienced and skilled staff resigned from NPOs to take up posts in the new government or big business. Few skilled people were attracted to the relatively poorly paid jobs in the non-profit sector (Kraak 2001, 144-146). Some well-established NPOs in the field of development, for example the Urban Foundation and Learn and Teach, had to close because of the loss of expertise and lack of funds (Atkinson 1996, 295).

1996 marked a major realignment of government’s macro development policy. The RDP was replaced by a neo-liberal programme called Growth, Employment and Redistribution Strategy (GEAR). Nauta (2004, 16) calls this the start of the “new realism era”. One consequence of GEAR was the demise of the RDP Forums. Government began to pursue the much needed economic growth and service delivery (e.g. housing and electricity) by means of partnerships with the private sector, while NPOs retained their central role in poverty alleviation (Swilling & Russell 2002, 4; Motala & Husy 2001, 77-78). According Dr Skweyiya, who was the Minister of Social Development until May 2009, this is one of the roles the government envisaged NPOs playing. The second role is that of “social watch”, critical watchdogs of the state’s public policy priorities and practices. Commenting on the role of NGOs in post-apartheid South Africa Dr Skweyiya said:

The basic twin expectations of government are that NGOs will firstly, continue to act as monitors of the public good and safeguard the interests of the disadvantaged sections of society. This performance of social watch role requires both transparency and accountability on the part of NGOs. The government’s second expectation is that NGOs will assist in expanding access to social and economic services that create jobs and eradicate poverty among the poorest of the poor. This requires cost effective and sustainable service delivery. (Barnard & Terreblanche, 2001: 17)

The government’s official position on NPOs was clarified with the passing of the Non-profit Organisations Act of 1997, which included them in the development process. Swilling & Russell (2002, 76) describe the NPOs’ new status as “...the fourth branch of a new system of participatory governance” because they were required to register as Section 21 organisations not-for-gain, and to open themselves to state regulation. Since 1998 NPOs have been able to access funding through the states’ National Development Agency (NDA) and the National Lottery, which was started in 1997 (ibid, 77-8). In 1998 the South African government

contributed 42% of the total funding received by the non-profit sector (ibid, 34). Furthermore, the Taxation Laws Amendment Act of 2000 exempts NPOs, which are registered by the Department of Social Development, from income tax and donors from donation tax (ibid, 78).

Many professional NPOs work closely with the state for two reasons, primarily. They support cooperation with the state because they believe that partnering with a democratic government with whom they share development objectives is more effective than operating independently of the state. And they cannot survive without state funding. Collaborating with the state, therefore, seems sensible. With the help of state funding NPOs can work together with and provide services to poor communities at a grassroots level. The state has the funds but often lacks expertise in development, and does not have a close working relationship with poor and marginalised communities, which NPOs are more likely to have.

Swilling and Russell (2002, 69) describe the current relationship between the state and non-profit organisations (NPOs) in South Africa as following a “corporatist regime”. This regime is characterised by “extensive state expenditure on social development, but in partnership with segments of the non-profit sector. NPOs act as the conduits for delivering services, in place of or in partnership with state agencies” (ibid, 66).

The current scenario potentially creates a public space in which state-civil society relations can be managed and the non-profit sector funded. But is there enough space in a corporatist regime for NPOs to be service deliverers and social watchdogs?

According to Habib (2005), currently there is very little evidence of NPOs successfully combining both roles. Habib (2005: 686) argues that in reality three separate blocs have emerged in South African civil society, each with a distinctive relationship to the state. The first bloc includes more formal NGOs/NPOs that have benefited from the repeal of repressive apartheid legislation, and government’s commitment to partnering with them (ibid). This, he says, has led to engaged cooperation with the state (ibid). This type of NPO is characterised by their professionalism and their services are solicited by the government by means of contracts. Habib (2005, 686) says that it would seem that this collegial relationship between NGOs and the state is favoured by the ANC government. It is in the government’s view both legitimate and appropriate and the way they wish to interact with civil society, no matter the consequences for democracy. The second bloc includes the many survivalist, informal

community-based organisations (such as stockvels or savings clubs and burial societies) that help with the day-to-day existence of the poor (ibid). Generally speaking, this bloc is not connected to wider government processes, and has little or no relationship with the state. The third bloc are both nation-wide and local social movements, that rally people around issues such as land, housing, electricity, and anti-neoliberalism (ibid). They are more formally organised than the second bloc, and are committed to challenging the government's policies and poor service delivery. They are free to oppose the state because they are not bound to it by contractual obligations, as the first category of NPOs is (ibid).

In practice it seems that NPOs that engage with the state are divided into two camps: those that play the role of social watchdog and those that are apolitical deliverers of services. What arguments justify a significant number of NPOs performing both roles?

4. Dual roles for NPOs

Kaplan (1994) and Whaites (1998) argue that civil society is disadvantaged when NPOs focus exclusively on apolitical service delivery. Whaites (1998, 346-347) argues that development is promoted when NPOs partner with the state in order to deliver services, rather than doing so independently: firstly, because it gives NPOs an opportunity to draw the state into service delivery, and thereby build the state's capacity; and secondly, it brings the state closer to poor or marginalised people, thereby increasing the latter's opportunities to influence the state. The role of social watchdog need not be oppositional. In my experience a collegial approach is sometimes more effective than confrontation when dealing with government departments.

Lister and Nyamugasira (2003, 100) also support the dual roles for NPOs, for advocacy needs to emerge from service delivery among the poor and marginalised (ibid). When NPOs are a bridge between the state and civil society, the likelihood that public policy can be influenced by those who were previously excluded increases (ibid).

Desai (2002, 496) agrees that there are two main roles for NPOs: policy advocacy or lobbying for social change; and filling in the gaps in government service delivery. He argues that organisations can and should perform both.

There are strong arguments for more NPOs to both collaborate and to perform the role of social watchdog. In addition, there are Dr Skweyiya's comments that the ANC government

favours NPOs playing the dual roles. There seems to be good reason for “frienemies” to emerge from civil society, however, problems arise which undermine the NPOs’ ability to perform both roles effectively and in practice most find it easier to opt for one or the other role. These problems can arise from external environmental factors or internal organisational factors.

5. Obstacles to NPOs performing the dual roles

5.1 Government discourages advocacy that clashes with its policy

Greenstein (1998) argues that government’s acknowledgement that NPOs need to be both social watchdogs and service deliverers, is largely rhetoric, as it tends to discourage advocacy that clashes with its policies or priorities. In 1997 at the national conference of the ANC in Mafikeng, ex-President Nelson Mandela openly rebuked NPOs that were critical of the government (Johnson 2002, 231). In 2004 in a “Letter from the President”, the then president, Thabo Mbeki referred to some NPOs as “enemies of the ANC” and warned that “history has never been kind to the enemies of his party” (Mngxitama 2004). Kotze (1999) offers this sobering thought: “we have to learn that all governments, however democratically elected [,] guard (and exercise) their newly-won power and that a vibrant and critical civil society is often, consciously or unconsciously, regarded as a threat to that power”. The ruling party’s continued use of a simplistic, dichotomous discourse that labels NPOs as either friends or enemies does not nurture a political environment conducive to “frienemies” who speak truth to power while constructively working with the state to deliver services to the poor.

5.2 “Productive engagement” encourages apolitical service delivery

Aid agencies often talk about “productive engagement”: civil society is strengthened by “densifying” and formalising ties with the state, and that such close ties help Government implement its development plans (Heller and Ntlokonkulu 2001, 58). “In particular Northern donors have sought to relocate resources to projects involved in the technical delivery of social services at the expense of research, project facilitation, human rights and lobbying and advocacy” (Kraak 2001, 137). However, “[t]he result may lead to the destructive co-option of NPOs [by the state], or the closure of the vital spaces beyond the public space ... This is good for neither development nor democracy” (Swilling and Russell 2002, 77) because it leaves little room for the contestation of state power.

5.3 NPOs collaborating with the state are reluctant to bite the hand that feeds them

Habib and Taylor (1999, 79) argue that as NPOs find it increasingly difficult to solicit foreign funding, they are becoming more dependent on the state for funds. Funding dependency subverts NPOs' watchdog role; NPOs are more likely to be co-opted to serve Government priorities and ignore the most pressing needs of poor communities (Kotze 1999).

5.4 NPOs are encouraged to become grand service providers, and, therefore, are too busy to pursue advocacy

The negative consequences of the state and donors relying on NGOs as the primary deliverers of services are that ...

- i.) It encourages them to become large scale primary service providers. Yet there is no empirical research which shows that NGOs are necessarily better service providers than the state (Edwards and Hume 1996).
- ii.) The enormous responsibility that this places on them can be at the expense of their role as social watchdog or advocate of the poor.
- iii.) It undermines their legitimacy as independent organs of civil society.
- iv.) It makes them accountable to donors first, rather than to their own constituencies.
- v.) It tends to pressure them to produce short-term quantitative outputs as evidence of their effectiveness, even when it contradicts development wisdom.

5.5 NPOs do not have the capacity to carry out both roles

For NPOs to practise both roles effectively they require the capacity to engage in planning discussions with the state and to be in close proximity to their grassroots beneficiaries (Lister and Nyamugasira 2003, 100). Large, professional NPOs have this capacity but they are not community-based (Swilling and Russell 2002, 81; Kaplan 1994). Grassroots organisations, close to poor communities, are relatively informally organised and, therefore, lack this capacity (ibid).

5.6 Dangers for NPO-state relations in the current policy and legal framework.

In the Non-profit Organisations Act of 1997 the Government and leading NPOs jointly created a legal and policy framework that defined a new public space for managing state-civil society relations, and for funding NPOs (Swilling and Russell 2002, 5). There are, however, two dangers, firstly, that in “defining all NPOs into the public space for governance processes

... no room is left for action outside this space” (ibid, 76-77). It does not promote development or democracy, for the state to block NPOs accessing spaces beyond this public space (ibid, 77). This would, for example, deny legitimacy to NPOs that, care for people infected HIV/AIDS, whose condition needs to be kept secret from those who would harm them (ibid). Secondly, the framework seems to draw NPOs into development projects in line with Government policy; NPOs that do not agree with policy are less likely to be given access to state resources.

5.7 In national policy negotiations NPOs are not organised to adequately represent civil society.

There have been attempts, at the national level, to include NPOs and other civil society organisations in policy-making structures. Act 35 of 1994 set up a corporatist structure, the National Economic Development and Labour Council (NEDLAC), a policy negotiation forum with representatives from Government, trade unions, organised business and community organisations. There is no single national structure representing community organisations. Civil society is thus poorly represented on NEDLAC by six NPOs appointed by a government minister (NEDLAC 2009).

While some organisations have managed the tension between their two roles, the odds are against most NPOs doing so. What can we learn from the successful organisations?

6. “Frienemies”: examples of NPOs that effectively combine the two roles

The Treatment Action Campaign and the Surplus People Project are NPOs that perform the dual roles of social watchdog and of service delivery partner with the state. I now turn to a brief examination of how these NPOs manage the dilemma inherent in carrying out these roles.

6.1 The Treatment Action Campaign

Treatment Action Campaign (TAC) is a nation-wide NPO with features of a social movement and of an NGO. It was established on 10 December 1998, International Human Rights Day, to “campaign for greater access to treatment for all South Africans, by raising public awareness and understanding about issues surrounding ...HIV treatments” and to “fight for the rights of people living with HIV/AIDS” (TAC 2009). It “campaign[s] for equitable access to affordable treatment for people with HIV/AIDS”, and for “the prevention and elimination of all new HIV

infections”; it also promotes “access to affordable and quality health-care for all people in South Africa” (TAC Constitution, 2-9). TAC is against any structure or process in the private or public sector that limits access to the treatment of HIV/AIDS (ibid). Consequently, it has lobbied and pressured the global pharmaceutical industry and the South African government to provide cheap, generic anti-Aids drugs (TAC 2009).

Though TAC is probably better known for its role in securing concessions from the South African government, its founders started out targeting pharmaceutical companies (Friedman and Mottiar 2004). They got the companies to abandon their court case to stop the importation of the cheaper generic drugs¹ (ibid).

TAC did not anticipate that the government would deny the link between HIV and AIDS, and oppose the “roll out” of anti-retroviral (ARV) drugs (ibid). TAC has made access to health care a constitutional issue. TAC’s position is that the Bill of Rights in the South African Constitution recognises health care as a basic human right. TAC’s application to the Constitutional Court saw the South African government ordered to implement a national programme to prevent mother-to-child-transmission of HIV/AIDS (PMTCT).

“The way our Constitution frames our government is that we all have roles and responsibilities in realising constitutional rights. The TAC’s approach to the delivery of health care services, and anti-retroviral treatment in particular, has always been premised on the idea that the government has a duty to provide these services.” (Heywood, Interview 2009)

Heywood (Interview 2009) points out that “this is not just an ideological campaign, not an anti-government campaign ... It is a campaign to ensure the best and meaningful delivery, in our case the right to access treatment.”

TAC has used a variety of tactics with great success, lobbying through the media and via the internet; networking with South African and international civil society organisations; and, using street protests and mass action, tactics characteristic of the liberation struggle, to mobilise the masses (Robbins 2004, 664). Acts of civil disobedience, for example, importing medication in contravention of patent law, have also provided TAC with national and international visibility (ibid; Friedman and Mottiar 2004).

TAC is also a service deliverer. TAC and Medicins Sans Frontières (MSF), a Belgian-based NGO, one of TAC’s most consistent international allies, have together established treatment

programmes in the urban centres of the Western Cape, Kwazulu-Natal and Gauteng provinces (TAC 2009); and, from 2003, in rural areas like Lusikisiki in the Eastern Cape Province (TAC 2004, 8). Its treatment project provides medication for a limited number of TAC and “community” members, and for counsellors who undertake home visits. Its treatment literacy campaign offers advice, such as how to cope with HIV/AIDS and how to take or administer treatment (Friedman and Mottiar 2004; TAC 2007).

TAC sees the treatment project and literacy campaign as demonstrating to government and the public, that TAC could be part of the “roll out” of treatment; thus linking the service delivery and campaigning (ibid).

“There hasn’t been an internal contradiction ... [between] service delivery versus activism. One of TAC’s biggest programmes, treatment literacy, is training volunteers to educate people in the community about anti-retroviral treatments, about HIV and about the progress of HIV. That could be said to be playing a service delivery role, but we saw that as something which empowered people in the community to be activists in making demands for local delivery of health care service. So it wasn’t either or as completely distinct things.” (Heywood, Interview 2009)

TAC activists argue that grassroots mobilisation to counter discrimination against HIV-positive people, is the key to their success (Friedman and Mottiar 2004; Robbins 2005, 664). It takes the form of AIDS awareness and treatment literacy campaigns in schools, factories, community centres, churches, and shebeens (township pubs), and through door-to-door visits in townships (ibid).

Grassroots mobilisation targets young, urban working-class black Africans with secondary schooling and trade unions (Friedman and Mottiar 2004; Robbins 2004, 663). The organisation also attracts health professionals, university students and has “support networks across race, class, ethnic, occupational and educational lines” (ibid). TAC’s 2007 Annual Report puts registered membership at 14000², and estimates that public marches attracted as many as 15 000 protesters, an indication of its ability to rally more than its members (TAC 2007).

In 2007 TAC had 64 full-time staff and an annual income of 40 million rand (Annual Report 2007); by 2009 it employed 98 permanent staff (Ajam 2009)³. Its staff size, administration, and donor-funded programmes are typical of a large NGO. It does not charge membership

fees; its funds come from a variety of donors other than the South African government, pharmaceutical companies or the United States government (Heywood, Interview 2009).

In addition to TAC's well publicised opposition to the ANC government's health care policies, it has also managed to work with the state on service delivery. TAC helped national government stop 39 pharmaceutical firms from overturning a law which allowed the importation of cheaper generic drugs, and it worked with government to draft a new National Strategic Plan on HIV/AIDS (TAC 2007). TAC assists national government with the roll-out of ARVs, and co-operates with local government in providing counselling in South African schools.

Heywood (Interview 2009) explains that TAC's rationale for selective co-operation with the state is partly about demonstrating to the state and its membership that it is acting in good faith.

"It is about bona fides in relation to both our membership and the state. Our membership regards the state as being legitimate – which of course it is – and wants to help the state where possible to deliver services. The TAC has also felt that in order to partly show its bona fides that you have to work alongside the state. You have to say [to a Minister] you should be doing ABC, but where possible and necessary we will provide assistance."

In spite of antagonistic relations between the national Department of Health and TAC during Thabo Mbeki's presidency, Robbins (2004, 671-672) reports that "many provincial and local government health managers and public health practitioners look[ed] favourably upon partnerships with the TAC". One of my students has witnessed local government and NPOs, including TAC, respectfully and with equal power interacting within the Multi-Sectoral Action Team structure – in order to address the HIV/AIDS epidemic. "TAC displays adversarial relations with the state on one issue and more collegiate [sic] relations on another... Indeed, TAC's legal and political strategies reveal a clear understanding of the politics of contingency" (Habib 2005, 686). Relations between TAC and the government improved after the ANC removed Thabo Mbeki as the country's president.

"More recently the TAC has changed its strategy to take into account the new [favourable] political environment. TAC's strategy is to ensure successful and sustained roll-out of HIV prevention and treatment service. That obviously includes TAC people becoming involved in working with the state in service delivery, in making sure the state's clinics are functional." (Heywood, Interview 2009)

Though TAC is not affiliated to any political party it has ties with the ANC. ANC members are numerically dominant in TAC, and TAC leaders such as the chairperson, Zackie Achmat, have publicly indicated their support for the ruling party. The former treasurer, Mark Heywood, has said that TAC is “neither anti-government, nor anti-ANC” (Friedman and Mottiar 2004). Allegiance to the ANC is probably why TAC has not adopted the anti-government stance so common among social movements opposed to the government’s neo-liberal policies. Friedman and Mottiar (ibid) observe that “the legitimacy of the government and the popularity of the ruling party are ...new realities[,] which activists tackling government policy forget at their peril”. In a similar vein Achmat (ibid) has said: “A major tactical error would be to lose support amongst our members, as other social movements have done, when they are seen to be threatening democratically elected leaders”.

There is also a strategic reason for TAC’s approach in which co-operation and conflict are together used as methods of engagement, it is the assumption “we can win gains from this system – far-reaching reform is possible” (ibid). Now that the cabinet has agreed to an ARV “roll-out”, it is in TAC’s interests to assist government in making the roll-out a success. By publicly positioning themselves as supporters of the Tripartite Alliance between the ANC, South African Communist Party and COSATU, TAC activists have created a new space for critical engagement with the government; and like activists in COSATU, and even South African National Civics Organisation, they hold that the strategic priority is the struggle for the soul the ANC, so they remain in partnership with it (Habib 2005, 687). However, “at the same time, they believe they should retain the independence and organizational capacity to take to the streets when ...required” (ibid).

I now turn to a second example of an NPO perched on the horns of the dilemma.

6.2 Surplus People Project

The Surplus People Project (SPP) is one of the oldest NGOs in the Western Cape Province. It aims to support local small-scale farmers, farm dwellers and agrarian movements achieve sustainable livelihoods and independent food production through education, participatory research and social mobilisation (SPP 2008). In its Annual Report for 2000 SPP described its role:

“[W]hile taking its cue from the landless communities with which it works, at the same time SPP works closely with government to implement land reform to benefit the landless communities. This means that SPP sometimes has to play a

dual role: as critic of the State where the State inhibits land reform progress, and contracted to the State to implement its programmes.”

In the past few years its agenda has shifted from land reform to broader agrarian reform (SPP 2007, 1, 7 and 23).

SPP was established in 1985 as a result of a research project on forced removals (Turton and Komone 2004). It was a typical anti-apartheid NPO of the 1980s. It described itself as a progressive service organisation that helped people threatened with forced removals or eviction by informing them of their rights and providing legal assistance in court (SPP 1990). It was connected to the National Committee Against Removals, a wider coalition, that subsequently changed its name to the National Land Committee.

With the coming of democracy SPP anticipated the need to transform. “In 1994 SPP shifted from resistance to concentrated intervention in land reform policy development” (SPP 2008). In 1995 the Department of Land Affairs began to transfer land to the historically disadvantaged, and to process the claims for restitution of those who had lost land under apartheid. SPP assisted the Department. Notwithstanding SPP’s collaboration with the new democratic government, it voiced concerns about the limitations imposed by the property clause in the Constitution and the government’s narrow focus on restitution rather than on comprehensive land reform (SPP 1994, 5). SPP insists that it retained a critical perspective during its involvement with the government’s land programme (ibid). It had “very close relationships [SPP had] with formal structures at grassroots level”, especially in rural Namaqualand along the Cape West Coast, which kept them close to the land struggles of small-scale farmers. “We spoke not only as SPP, we spoke almost as a representative of the Namaqualanders (and to a lesser extent the West Coast) although they had strong leaders themselves” (Mayson, Interview 2009).

Between 1995 and 2000 the percentage of the SPP’s annual income that came from government kept increasing because the SPP received numerous government contracts. For example, SPP received planning grants to help black farmers acquire private land (ibid). In 1998 30% of its income came from government, however, for 2001, 2002 and 2003 it was around 10% (SPP 2001, 2002, 2003). SPP seemed to appreciate that its capacity to be critical of the state while co-operating with it was enhanced by it avoiding financial dependence on the state. Those annual reports which provide a detailed breakdown of donors show that SPP received support from a mix of South African and foreign donors. Mayson (Interview 2009)

notes that SPP was wary of becoming dependent on the state as this could jeopardise its role as social watchdog.

SPP was convinced that by co-operating in order to improve service delivery to poor farmers and also lobbying for change in the government's policies, it could better serve the communities with which it worked.

“SPP took its line from the community... [sometimes] co-operation and [sometimes] social watch. SPP was driven by a pragmatism: What do communities need to do to get what they need? ... SPP facilitated dialogue between government and small farmers that put these farmers in a good position to get a stronger voice in government. It also supported grassroots community organisations to lobby government. [While] it was a challenge to perform both roles ...from 1995-1999 it was able to perform both roles well.” (ibid)

Between 1999 and 2000 there were changes in the Department of Land Affairs. There was a new minister who declared a moratorium on all land projects until an assessment had been completed (SPP 2000). Under new leadership the Department chose to rely on specialists to guide policy while excluding communities and civil society structures. This confounded rural communities, who were waiting for decisions on land projects, and the NGOs, that were working with government. With the uncertainty about the new policies, SPP began to question collaborating with government. “The question to what extent the organisation can continue to be supportive of a government that appears to have shifted its priorities to a new elite was asked many times during 2000” (ibid).

Their dilemma was magnified because foreign donors showed less interest in the relatively wealthy Western Cape and payment for completed government contracts was delayed (SPP 2000). Furthermore, “there was ... division within the National Land Committee. Some, like the Landless People's Movement ... argued for no relationship with the state” (ibid). This crisis led to a major re-assessment of SPP's position vis-à-vis the state (ibid). Faced with options to mobilise against state land policies or collaborate with the state, the SPP once again chose both roles (ibid).

From the beginning of the new millennium the oscillation between co-operation and social watch is evident in SPP's annual reports. The 2000 Report noted that their diminishing ability to persuade government to return to the consultative policy-making reflected a general weakening of civil society. Mayson subsequently (SSP 2002, 20) summed up their position.

“Ten years ago we had a collaborative approach to government ... because the government was new, our policy intervention work was more constructive. We were trying to construct new ways of doing things. ... Now government talks in terms of public consultation but is in fact severely threatened by it. This requires our being more creative on one level, and more pushy on another.”

Notwithstanding SPP’s success in conscientising and mobilising rural communities, they “struggled to play a real role in land reform and its implementation” (Mayson, Interview 2009). In the 2002 Annual Report, the then director commented that social movements were taking the struggle forward by challenging government’s market-based, elitist position on land reform. After the National Land Commission was dissolved, the SPP was well placed in relation to both poor farming communities and the state to “fill the void in civil society [and] to push for specific land reform objectives” (ibid).

SPP’s role as a social watchdog continues to be balanced by a collegial discourse. Although there are some critical comments about the government’s small land reform budget and land restitution programme. Their 2001 Annual Report, for example, expresses gratitude to government for a grant to carry out the “Transformation of Tenure in Namaqualand”. The report also reaffirms SPP’s commitment to partner with various government departments and all stakeholders in land reform. However, staff members are mindful of the risks of co-operating with the state. “Our dual role of participating while maintaining our position as activists is sometimes quite difficult. The risk is that communities perceive us as the [state] Department, which diminishes our ability to be activists” (SPP 2002).

Despite the frustratingly slow pace of land reform, SPP has helped a number of historically disadvantaged communities to secure hundreds of thousands of hectares of land (Turton and Komone 2004, 39). Through its affiliation to the National Land Committee it helped launch the Landless People’s Movement, a mass-based social movement. “The role of SPP has therefore become an initiator of lobbying activities; a facilitator of lobbying activities initiated elsewhere (especially amongst landless people’s groups with whom the organisation works), and supporter of lobbying activities undertaken by others” (SPP 2007, 26-27).

Turton and Komone (2004, 10) recognise how difficult it is for SPP to combine activism and delivery. Mayson in a 2009 interview elaborates on the nature of the difficulty. “Implementation needs a different skills set and advocacy needs you to put an enormous amount of effort into organising people ... [I]t is easier to do this if you have a clear enemy.”

SPP's ability to survive is partly due to its organisational maturity. As a "learning organisation" it "pays particular attention to developing the staff and in developing itself" (Turton and Komone 2004, 41).

It seems that for the moment SPP is able to hold the roles in balance.

6.3 Features of TAC and SPP that support their dual roles

While it might be easier for the TAC and SPP to be friends or enemies of the ANC government they have chosen a more complex relationship – one I describe as "frienemies" of the ANC government. They have managed the difficult feat of balancing the tension between collaborating with the state in service delivery while acting as social watchdogs. They share a number of common features which seem to have helped them do this:

- i) They are concerned with winning gains for the poor rather than acting only as vehicles of protest or resistance.
- ii) Their vision and mission include both service delivery and social watch which, among other things, involves making sure that concessions won by campaigns translate into concrete gains.
- iii) Their advocacy and lobbying for better social policies are informed by their experience delivering services and the politics of the moral high ground.
- iv) They have diversified their sources of local and foreign funding so that they do not depend on any one funding agency.
- v) They have built an effective power base of strategic alliances that always works with, and is guided by people and communities at grassroots. This provides them with a collective advantage when dealing with the ANC government.
- vi) They use various strategies to achieve their objectives. These include challenging unacceptable state policies, mass social mobilisation, and selective co-operation with government.
- vii) As long as they rely on government delivery to achieve their goals; they and the ANC government will remain, to a degree, mutually dependant, whatever the degree of conflict between them.
- viii) They acknowledge diversity within government and seek to collaborate where possible so as to build capacity within the civil service, and yet will still challenge those in government who do not serve the interests of the poor.

- ix) They are organisationally strong with a confident, articulate collective leadership that is not afraid to challenge public policies and practices.

7. Concluding remarks

There are good arguments for “frienemies” to perform the roles of social watchdog critical of the state and service deliverer in collaboration with the state, but problems arise which undermine their ability to perform both roles effectively. These problems arise from external environmental factors or internal organisational factors. Chief among these is the current political climate (which started when Thabo Mbeki was president): there does not appear to be sufficient courage and tolerance to allow “frienemies” to walk the tightrope between collaborating in service delivery and social activism. Consequently, NPOs tend to opt for one role over the other because they reason that they are more likely to survive as friends or enemies of the ANC government, and not as “frienemies”. Notwithstanding these tendencies in civil society organisations relations with the state, I argue that where NPOs perform both roles development and the interests of poor and marginalised communities are best served.

I am not suggesting that **all** NPOs ought to perform both roles, for that would deny the benefits that diversity among organs of civil society can bring, but I do draw attention to the advantages for development of more South African NPOs performing both these roles.

Post-apartheid South Africa has presented NPOs with new political opportunities. Democratisation, by removing the threat of state repression from some types of protest action, has provided opportunities for NPOs to influence change and make gains for the poor, for example the use of the Constitutional Court or engagement with government. Were the ANC government to diminish its corporatist role and encourage greater independence for civil society organisations, the political climate would change significantly and more NPOs would consider becoming “frienemies” of the state. TAC and SPP’s experiences can teach civil society organisations how to win battles as “frienemies” of the ANC government. NPOs that are committed to both service delivery and social watch can learn from TAC and SPP how to build their organisational capacity so as to successfully hold the tension in performing both roles.

Of course, it remains to be seen whether their approach can win the sort of sustained policy changes and social programmes which will enable the poor and the marginalised in South Africa to claim their full status as citizens.

End Notes

1. In 2001, after a three-year struggle between national government and TAC, on the one hand, and the Pharmaceutical Manufacturers Association and 39 pharmaceutical companies, on the other, the pharmaceutical industry withdrew its case against the South African government. They had wanted to prevent the government from substituting cheaper generic drugs for the costly patented brand-named medicines.
2. TAC acknowledges that their records may not be accurate due to the mortality rate of its members (Friedman and Mottiar 2004).
3. From about 2008 TAC experienced a substantial shortfall in expected income which, according to the general secretary, Vuyiseka Dubula, resulted in the retrenchment of 20% of its staff (The Citizen November 2008). The drop was partly due to the Department of Health's long delay in handing over funds donated by the Global Fund for the TAC; and donors cutting back on funding due to the recent global financial crisis (ibid; Ajam 2009).

References

- Ajam, K. (2009). NGOs feeling the pinch, may have to close. In: The Star, 21 March 2009
- African National Congress. (1994). *The Reconstruction and Development Programme: A Policy Framework*. Johannesburg: Umanyano Publications
- Allwood, J. (1992). The Development Role of NGOs – the South African Paradigm. In: W. Jeppe, F. Theron, & J van Baalen (eds) *NGOs in Development* (pp.29-35). Stellenbosch: Department of Development Administration, University of Stellenbosch
- Atkinson, D. (1996). Civil Society After the Transition. In: J. Coetzee & J. Graaff (eds) *Reconstruction, Development and People* (pp.287-310). Johannesburg: Thomson Publishing
- Barnard, D. & Terreblanche, Y. (2001). *Prodder: The South African Development Directory 2001 Edition*. Pretoria: Human Science Research Council
- Boulle, J. & Avafia, T. (2005). *Treatment Action Campaign (TAC) Evaluation*.
- Desai, V. (2002). Role of Non-governmental Organisations and the State. In: V. Desai & R. Potter (eds), *The Companion to Development Studies*. London: Arnold.
- Edwards, M. & Hulme, D. (1995). NGO Performance and Accountability: Introduction and Overview. In: M. Edwards & D. Hulme (eds), *Non-Governmental Organisations: Performance and Accountability*. Beyond the Magic Bullet. Earthscan Publications

Friedman, S. & Mottiar, S. (2004). *Rewarding Engagement? The Treatment Action Campaign and the Politics of HIV/AIDS*. Research report. Centre for Civil Society and the School of Development Studies, University of KwaZulu-Natal.

Fitzgerald, P (2002). Networks and Structures for Development in a Democratic South Africa. In W. Jeppe, F. Theron, & J van Baalen (eds) *NGOs in Development* (pp. 20-27). Stellenbosch: Department of Development Administration, University of Stellenbosch

Greenstein, R. (1998). *The State of Civil Society in South Africa: Past Legacies, Present Realities and Future Prospects*. Johannesburg: CASE

Greenstein, R. (2003). *Civil Society, Social Movements and Power in South Africa*. Rand Afrikaans University Sociology Seminar Series, 12 September

Habib, A (1999) and Taylor, R. (1999). South Africa: Anti-apartheid NGOs. *Voluntas*, Vol. 10, No. 1, 73-82

Habib, A & Kotze, H. (2003). Civil Society, Governance and Development in an Era of Globalisation. In O. Edigheji & G. Mhone, (eds) *Governance in the New South Africa*. Cape Town: UCT Press

Habib, A. (2005). State-Civil Society Relations in Post-Apartheid South Africa. In: *Social Research*, Vol.72, No.3 (pp.671-692).

Harley, A. & Rule, P. (2003). Funding, Ethics and Globalisation: NGOs in a Shifting Context. Centre for Adult Education. University of KwaZulu-Natal. Website: www.cindi.org.za/conference/papers/harvey.pdf.

Heller, P. & Ntlokonkulu, L. (2001). *A Civic Movement, or a Movement of Civics? The South African National Civic Organisation in the Post-apartheid Period*. Centre for Policy Studies Report, No. 84, 1-68. Johannesburg: Centre for Policy Studies

Johnson, K. (2002). State and Civil Society in Contemporary South Africa: Redefining the Rules of the Game. In: S. Jacobs & R. Calland (eds) *Thabo Mbeki's World*. Pietermaritzberg: University of Natal Press.

Kaplan, A. (1994). *NGOs, Civil Society and Capacity Building – towards the development strategy*. Durban: Olive Information Services

Kotze, H. (1999). Swimming in a Wild Sea: The New Challenges Facing Civil Society. In: G. Maharaj (ed) *Between Unity and Diversity: Essays on Nation Building in Post- Apartheid South Africa*. Cape Town: David Philip Publishers

Kotze, H. (2003). Responding to the Growing Socio-economic Crisis. A Review Civil Society in South Africa. *Development Update*, Vol.4, No. 4, 2-32.

Kraak, G. (2001). The South African voluntary sector in 2001: A greater variety of “morbid symptoms”. *Development Update*, Vol. 3. No.4, 129-150.

Lister, S. & Nyamugasira, W. (2003). Design Contradictions in the “New Architecture of Aid” Reflections from Uganda on the Roles of Civil Society Organisations. *Development Policy Review*, No. 21 Vol. 1, 93-106

Mngxitama, A. (2004). Let black voices speak for the voiceless. In *Mail & Guardian*, 22 June 2004.

Mngxitama, A. (2005). Centre for Civil Society Research Report, No. 3. Durban: Centre for Civil Society, University of KwaZulu-Natal.

- Motala, S. & Husy, D. (2001). NGOs do it better: An efficiency analysis of NGOs in development delivery. *Development Update*, Vol. 3. No.4, 71-112.
- Nauta, W. (2004). The Implications of Freedom: the changing role of land sector NGOs in a transforming South Africa. In: R Kappel & V. Engel (eds), *Politics and Economics in Africa*. Munster: Lit-Verlag
- Pillay, D. (1996). Social Movements, Development and Democracy in Post-Apartheid South Africa. In: J. Coetzee & J. Graaff (eds) *Reconstruction, Development and People* (pp.324-352). Johannesburg: Thomson Publishing
- Robbins, S. (2004) 'Long Live Zackie, Long Live': AIDS Activism, Science and Citizenship after Apartheid. In *Journal of Southern African Studies*, Vol.30, No.3, 652-672
- Surplus People Project (1994). *SPP Progress Report, February-July 1994*
- Surplus People Project (1997). *SPP Progress Report, January-June 1996*
- Surplus People Project Newsletters (2008). Vol. 8. No's 1-3
- Surplus People Project (accessed in 2008 & 2009) Website. www.spp.org.za
- Surplus People Project Annual Reports: 1988-90; 1991-90; 1991-92; 1993-94; 1997; 1998; 1999; 2000; 2001; 2002; 2003; 2004; 2005; 2007
- Swilling, M & Russell, B. (2002). *The Size and Scope of the Non-profit Sector in South Africa*. Johannesburg: School of Public and Development Management, Wits University & Durban: Centre for Civil Society.
- Treatment Action Campaign (2007). *Annual Report*
- Treatment Action Campaign (accessed in 2008 & 2009) Website: www.tac.org.za
- The Citizen (2008). *Financial crisis, funding shortage hit TAC*, 30 November 2008
- Turton, J. & Komone, T. (2004). *Final Evaluation Report – SPP, August-October 2004*. Umhlobo Development Services.
- Whaites, A. (1998). Viewpoint NGOs, Civil Society and the State: Avoiding theoretical extremes in real world issues. *Development in Practice*, Vol. 8, No. 3, 343-350.